



**CALIFORNIA DEPARTMENT
OF EDUCATION**

TOM TORLAKSON
STATE SUPERINTENDENT OF
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

July 22, 2019

John Affeldt, Managing Attorney
Public Advocates, Inc.
131 Steuart Street, Suite 300
San Francisco, CA 94105

Laura E. Muschamp
Covington & Burling LLP
1999 Avenue of the Stars
Los Angeles, CA 90067

Subject: **Request for Direct State Intervention – LAUSD/LACOE
Carrion and Velasco, Complainants**

Case #: 2019-0232, 2019-0233

Dear Mr. Affeldt and Ms. Muschamp:

The California Department of Education (CDE) is in receipt of your Complaint dated July 11, 2019, requesting Direct State Intervention (DSI) in Los Angeles Unified School District (LAUSD) and Los Angeles County Office of Education (LACOE). Your Complaint alleges that LAUSD and LACOE have failed to comply with requirements related to the Local Control and Accountability Plan provided in California *Education Code* sections 52059.5 through 52077.

The request for DSI has been submitted on the basis of *California Code of Regulations*, Title 5 (CCR 5) Section 4650(a)(6), which states:

“The complainant alleges and the CDE verifies that he or she would suffer immediate and irreparable harm as a result of an application of district-wide policy that is in conflict with state or federal law covered by this Chapter, and that filing a complaint with the LEA would be futile.”

The CDE is unable to verify that Complainants would suffer immediate and irreparable harm or that filing this complaint with LAUSD and LACOE would be futile.

As such, the CDE does not have jurisdiction, at this time, over this Complaint. This Complaint should have been filed first with the District and COE.

Carrion and Velasco

July 22, 2019

Page 2

The Local Control and Accountability Plan adopted by LAUSD that is the subject of the Complaint is currently being reviewed by LACOE, and that review is still well within the time limits prescribed by law.

In accordance with CCR 5 Section 4640, the CDE is forwarding the Complaint to LAUSD and LACOE by way of letters dated July 22, 2019, requesting that each LEA process and investigate the allegations in the complaint per their respective uniform complaint procedures.

If the District or COE fails to respond within 60 days of your letter, or if you believe that the District or COE decision is incorrect as a matter of fact or law, you may appeal to the CDE within 15 days after the district letter was due or within 15 days of receipt of the decision.

If you have further questions about the uniform complaint process or this letter, please contact me in the Local Agency Systems Support Office by phone at 916-319-0809 or by email at jbreshears@cde.ca.gov.

Sincerely,



Jeff Breshears, Administrator
Local Agency Systems Support Office

JB:jf

cc: Debra Duardo, Superintendent, LACOE
Austin Beutner, Superintendent, LAUSD
David Holmquist, General Counsel, LAUSD
Vibiana Andrade, General Counsel, LACOE
Angelica Jongo, Deputy Managing Attorney, Public Advocates, Inc.
Nicole Gon Ochi, Senior Staff Attorney, Public Advocates, Inc.
Michael K. Plimack, Partner, Covington & Burling LLP
Robert Zhou, Associate, Covington & Burling LLP